

10/31/97



J-550 U.S. PTO

06962421-103197

Atty. Dkt. No.: 32892.22
 USSN: Unassigned
 Inventor: Eugenio A. Cefali

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EUGENIO A. CEFALI

Entitled: Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia
 Which Exhibit an *In Vivo* Stair-Stepped Absorption Curve

To the Assistant Commissioner
 for Patents
 Box Patent Application
 Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL "EXPRESS MAIL" Mailing Label No. E1637428978US Date of Deposit October 31, 1997 I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 Type or Print Name A. M. (Andy) Adamelli, Jr. Signature <i>Andy Adamelli, Jr.</i>	
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Dear Sir:

REQUEST FOR FILING A NATIONAL PATENT APPLICATION

Transmitted herewith for filing, please find the following:

- ☒ i. Specification, claims and abstract of the above-referenced patent application having 47 pages.
- ☒ ii. Drawings (___ formal / 5 informal) comprising Figures 1-5.
- ☒ iii. Combined Declaration and Power of Attorneys (___ signed ☒ unsigned).
- ☒ 3A. No executed Oath, or Declaration, nor is any fee enclosed pursuant to 37 C.F.R. 1.53(d).
- ___ iv. Information Disclosure Statement along with Form PTO-1449 and references.

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X v. This is a: X Continuation-In-Part; ___ Divisional; ___ Continuation;
___ substitute Application (MPEP 201.09) of Application Serial No.
08/814,974 filed March 6, 1997; ___ reissue of U.S. Patent No. ___ filed
on ___.

An extension to extend the life of the above prior Application to at least the date of filing
hereof

(One box must be marked)

- (a) ___ is concurrently being filed in that prior Application,
(b) ___ was previously filed in that prior Application,
(c) X is not necessary for copendency.

___ vi. Attached is an assignment to ___. Please return the recorded
assignment to the undersigned.

___ vii. Priority is claimed under 35 U.S.C. § 119 based on filing in (country).

	Application No.	Filing Date
(1)	___	___
(2)	___	___
(3)	___	___

___ (No.) Certified copy (copies) ___ are attached; or ___ were previously filed
on ___.

___ viii. Attached: ___ (No.) verified statement(s) establishing "small entity" status under 37
CFR § 1.9 and 1.27.

X ix. Attached:

- X Return Postcard
X Assignment (unsigned)
X Verified Statement (unsigned)

___ x. Preliminary Amendment:

Prior to a first Office Action, kindly amend the Application as follows:

- xi. The following Filing Fee calculation is based on the claims filed less any claims canceled by the Preliminary Amendment of Item 10.

					SMALL ENTITY RATE	<u>OR</u>	LARGE ENTITY RATE	=	+\$ 395.00
BASIC FEE					\$ 395.00				
	NUMBER FILED			NUMBER EXTRA					
TOTAL CLAIMS	4	-20	=	0 (at least 0)	x 11	<u>OR</u>	x 22	=	+\$
INDEP. CLAIMS	2	-3	=	0 (at least 0)	x 40	<u>OR</u>	x 80	=	+\$
If any <u>proper</u> multiple dependent claim (ignore improper) is present (Enter \$0.00 if this is a <u>reissue</u> application.)					+\$130	<u>OR</u>	+\$260	=	+\$
If assignment is x'd (item 6), add recording fee \$40.00									+\$
Attached is a Rule 47 Petition (inventor refuses to sign or cannot be reached) \$130									+\$
TOTAL FILING FEE									=\$ 395.00

- _____ xii. A check in the amount of \$ _____ to cover the Filing Fee calculated in Item 11 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447/32892.18.
- _____ xiii. Please charge my Deposit Account No. 10-0447 in the amount of \$ _____ to cover the Filing Fee calculated in Item 11. This sheet is attached in duplicate.
- _____ xiv. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter

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relative to this application and for the resulting Official Document under 37 CFR 1.20, and to have and cause any necessary petition for extension of time to be filed and any fees necessary to be paid for said extension of time OR credit any overpayment to our Deposit Account No. 10-0447, for which purpose a duplicate copy of this sheet is attached. The Commissioner is not authorized to charge the issue fee until/unless an issue fee transmittal form is filed.

Respectfully submitted,

JENKENS & GILCHRIST, P.C.

By: Peter J. Manso
Peter J. Manso
Reg. No. 32,264

By: ANDY ARIZMENDI, JR.
Reg. No. 31,715

Jenkins & Gilchrist, P.C.
1445 Ross Avenue
Suite 3200
Dallas, Texas 75202
(713) 951-3375
(713) 951-3314 (fax)